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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SUSAN THANEL,

Plaintiff,

-against-

COMMONWEALTH FINANCIAL SYSTEMS, INC.,

Defendant.

-----X  
GARAUFIS, United States District Judge.

ORDER

06 CV 5201 (NGG) (RML)

The instant action was referred to Magistrate Judge Robert M. Levy for all pretrial purposes upon the filing of Plaintiff's Complaint. Since that time, Plaintiff has failed to notify the court or Defendant of his whereabouts, failed to appear for a court conference on January 29, 2007, and failed to respond to the court's February 1, 2007 Order directing him to show cause why the instant action should not be dismissed for failure to prosecute. These facts are detailed in Judge Levy's Report and Recommendation ("Report"), dated March 30, 2007, recommending that the instant action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). A copy of Judge Levy's Report was posted on the Court Electronic Document Filing System ("ECF"), and Plaintiff did not object to the Report. Plaintiff's attorney is signed up with ECF and has received electronic notice of all filings in this case.

I find that the petitioner has demonstrated a sustained lack of diligence in pursuing this action. Accordingly, this case is hereby DISMISSED without prejudice for failure to prosecute. The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: June 22, 2007  
Brooklyn, NY

/signed/  
NICHOLAS G. GARAUFIS  
United States District Judge